

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

REGINALD BLOCKER,

Defendant.

ORDER

08 CR 0846 (JFB)

486

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 26 2015 ★

LONG ISLAND OFFICE

JOSEPH F. BIANCO, District Judge:

By letter dated November 3, 2014, the Federal Defender's Office requested that the Court assign that Office to assist the defendant in determining whether, pursuant to 18 U.S.C. § 3582(c)(2), he qualifies for a potential reduction in his sentence based upon the Amendment 782 to the Sentencing Guidelines, which revised the drug quantity table and was made retroactive by the United States Sentencing Commission. On November 6, 2014, the Court assigned the Federal Defender's Office to represent defendant Blocker for that purpose.

On July 7, 2015, counsel for defendant Blocker filed a letter, advising the Court that she would not be filing a motion for a reduction in sentence because she had determined that the defendant does not qualify for a sentence reduction. In an abundance of caution, by Order dated July 28, 2015, the Court directed the Probation Department to issue an addendum to assess the defendant's eligibility. On August 18, 2015, the Probation Department filed an addendum concluding that the defendant is ineligible because (1) the defendant's total offense level at sentencing was predicated on the defendant's status as a Career Offender, and (2) Amendment 782 has no impact on the Career Offender classification or its related offense level. On September 9, 2015, the government filed a letter with the Court reaching the same conclusion.

Having analyzed the defendant's eligibility for a sentencing reduction pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B.10 (Amendment 782, effective November 1, 2014), the Court has determined that the defendant is not eligible for a sentencing reduction under Amendment 782 because of the following: (1) at the time of sentencing, the Court found the defendant to be Career Offender and his Guidelines range of 188-235 months was determined by U.S.S.G. § 4B1.1; (2) the defendant's Guidelines range is not modified by Amendment 782.

SO ORDERED.

 JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2015
Central Islip, New York